IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 23489 of 2007(U)

PETITIONER:

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1. M/S.FOUR TEC RUBBERS, MANNUR,
   REPRESENTED BY ITS MANAGING PARTNER,
   BALACHANDRAN K.K., S/O.LATE KRISHNAN,
   AGED 43 YEARS, KARIMPANAKKAL HOUSE, P.O.MULAYAM,
   VALAKKAVU, THRISSUR DISTRICT.

2. BALACHANDRAN K.K., S/O.LATE KRISHNAN,
   AGED 43 YEARS, KARIMPANAKKAL HOUSE,
   P.O.MULAYAM, VALAKKAVU, THRISSUR DISTRICT.
   MANAGING PARTNER, M/S.FOUR TEC RUBBERS, MANNUR.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENTS:

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1. THE KERALA FINANCIAL CORPORATION,
   VELLAYAMBALAM, THIRUVANANTHAPURAM - 33,
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE CHIEF MANAGER,
   THE KERALA FINANCIAL CORPORATION,
   BRANCH OFFICE, SMART CENTRE, KOKKALAI,
   THRISSUR-21.

3. THE DEPUTY TAHSILDAR (RR),
   KERALA FINANCIAL CORPORATION,
   BRANCH OFFICE, SMART CENTRE,
   KOKKALAI, THRISSUR - 21.

4. THE DEPUTY TAHASILDAR (RR),
   DISTRICT COLLECTORATE, THRISSUR.

R1 TO R3 BY SC SRI. V.B. UNNIRAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23489 OF 2007

Dated this the 1st day of August, 2007

JUDGMENT

Since petitioner has settled liability by making payment voluntarily, collection charges under Rule 5 of the RR Rules cannot be recovered from the petitioner. Therefore respondents are prohibited from recovering collection charges for the payments made voluntarily by the petitioner. W.P. is disposed of directing the KFC to release the title deeds to the petitioner, if payments exclusive of collection charges, are made. However, if any advertisement is made or expenditure incurred in connection with recovery, then such amount could be recovered from the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge